

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

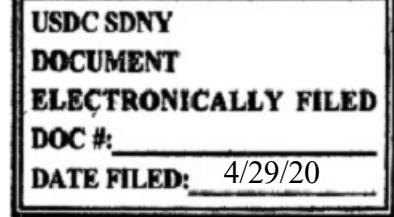
PATRICK STONE,

Plaintiff,

-against-

JOSEPH FISHER,

Defendant.



20-CV-1818 (JMF) (BCM)

ORDER**BARBARA MOSES, United States Magistrate Judge.**

The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices (and Emergency Individual Practices) in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

The Court has received and reviewed plaintiff's Notice of Motion to File Documents Under Seal (Not. of Mot.) (Dkt. No. 28) filed on April 27, 2020. Plaintiff seeks leave "to file documents under temporary seal in compliance with the temporary restraining order ('TRO') dated July 19, 2019 and signed by Associate Judge William S. Boyd of the Circuit Court of Cook County, Illinois." Not. of Mot. at 1.¹ Specifically, plaintiff seeks to file under seal a Renewed

¹ Plaintiff did not attach the TRO with which he seeks to comply. The Court surmises that plaintiff means the hand-written order, dated July 18, 2019, attached as Exhibit A to his original Application to Proceed without Prepaying Fees or Costs (Dkt. No. 19, at ECF pages 8-10). That order, issued in a divorce action entitled *Davis v. Stone*, No. 2019 D 003975 (Circuit Court of Cook County, Illinois), temporarily restrained "both parties," meaning plaintiff and his spouse

Application for Leave to Proceed in Forma Pauperis (Dkt. No. 30-3, at ECF pages 1-4), a declaration in support of that application (Dkt. No. 30-3, at ECF pages 5-10), and the exhibits to that declaration. (Dkt. No. 30-3, at ECF pages 11-39.) All of these documents – in heavily redacted form – now appear on the docket of this action as exhibits to plaintiff's Declaration in Support of Motion to File Documents under Seal. (Dkt. No. 30.) In his accompanying Memorandum of Law (Pl. Mem.) (Dkt. No. 29), plaintiff states that he has served copies of "the documents that the motion proposes be filed under seal" on defendant. Pl. Mem. at 7. It is not clear, however, whether he served them in redacted or unredacted form. *See* Affirmation of Service (Dkt. No. 30-2).

Because plaintiff has been granted permission to file documents on the Court's Electronic Case Filing (ECF) system (Dkt. No. 27), he must comply with the Court's Electronic Case Filing Rules & Instructions regarding applications to file under seal, which have been incorporated into the Court's Individual Practices. *See* ECF Rules & Inst. § 6; Moses Indiv. Prac. § 3.² Among other things, those Rules & Instructions require the party making the sealing application to "[e]lectronically file the proposed sealed document under seal using a restricted Viewing Level in ECF, and electronically relate it to the motion." ECF Rules & Inst. § 6.5(c). This permits the Court to view the documents at issue for the purpose of adjudicating the motion to seal. If the Court grants the sealing motion, it will then consider the same documents for the purpose of adjudicating the renewed application for leave to proceed in forma pauperis.

Andrew T. Davis, from "disclosing all matters concerning either party's finances, income, or sources thereof," *id.* ¶ 1, pending a further hearing scheduled for July 29, 2019. *Id.* ¶ 5.

² The Court's ECF rules are available online (at <https://www.nysd.uscourts.gov/rules/ecf-related-instructions>).

The Court therefore DENIES plaintiff's sealing motion (Dkt. No. 28), without prejudice to re-filing it in compliance with the Court's rules.

Dated: New York, New York
April 29, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge